

AO 240 (Rev. 10/03)

## UNITED STATES DISTRICT COURT

District of Massachusetts

SANDY J. BATTISTA,

Plaintiff

V.

APPLICATION TO PROCEED  
WITHOUT PREPAYMENT OF  
FEES AND AFFIDAVIT

ROBERT MURPHY, et al.,

Defendant

CASE NUMBER: 04-10226-MEL.

I, Sandy J. Battista declare that I am the (check appropriate box)☒ petitioner/plaintiff/movant ☐ other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently ~~incarcerated~~ ☒ Yes ☐ No (If "No," go to Part 2)

If "Yes," state the place of your ~~incarceration~~ Mass. Treatment Center

Are you employed at the institution? No Do you receive any payment from the institution? \_\_\_\_\_

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? ☐ Yes ☒ No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

N/A

3. In the past 12 twelve months have you received any money from any of the following sources?

- |   |                              |  |
|---|------------------------------|--|
| a. Business, profession or other self-employment  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| b. Rent payments, interest or dividends           | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| c. Pensions, annuities or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| d. Disability or workers compensation payments    | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| e. Gifts or inheritances                          | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| f. Any other sources                              | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF CORRECTION  
Inmate Transaction Report**

Date : 20040309 13:22

Commit# : M15930  
Name : BATTISTA, SANDY, J.  
Inst : MASS. TREATMENT CENTER  
Block : B1  
Cell/Bed : 013 /B

MASS. TREATMENT CENTER

Page : 1

Statement From 20031001

To 20040309

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
Total Transaction before this Period :						\$7,919.52	\$3,836.59	\$549.42	\$0.00
20031002 22:30	CN - Canteen	1761543		MTC	~Canteen Date : 20031002	\$0.00	\$24.26	\$0.00	\$0.00
20031008 16:59	IS - Interest	1787454		MTC		\$5.13	\$0.00	\$0.00	\$0.00
20031008 16:59	IS - Interest	1787455		MTC		\$0.00	\$0.00	\$0.67	\$0.00
20031009 22:31	CN - Canteen	1807425		MTC	~Canteen Date : 20031009	\$0.00	\$39.40	\$0.00	\$0.00
20031015 13:08	IC - Transfer from Inmate to Club A/c	1819498		MTC	~POSTAGE/OFFICE ATTY GENERAL~POSTAGE - Z11~POSTAGE - Z11	\$0.00	\$2.24	\$0.00	\$0.00
20031015 13:09	IC - Transfer from Inmate to Club A/c	1819501		MTC	~POSTAGE/CLERK OF COURTS/BOSTON~POSTAGE - Z11~POSTAGE - Z11	\$0.00	\$3.85	\$0.00	\$0.00
20031015 15:41	EX - External Disbursement	1819972	86576	MTC	~SMITH OFFICE EQUIPMENT CO INC	\$0.00	\$49.79	\$0.30	\$0.00
20031016 22:30	CN - Canteen	1833450		MTC	~Canteen Date : 20031016	\$0.00	\$25.01	\$0.30	\$0.00
20031020 15:27	EX - External Disbursement	1840614	86655	MTC	~EDWARD E ELIOT ESQ	\$0.00	\$2,000.00	\$0.00	\$0.00
20031022 09:37	IC - Transfer from Inmate to Club A/c	1848702		MTC	~CT/RR EDWARD ELIOT ESQ TEN TREMONT ST BOSTON MA 02108~POSTAGE - Z11~POSTAGE - Z11	\$0.00	\$4.42	\$0.00	\$0.00
20031023 22:30	CN - Canteen	1862654		MTC	~Canteen Date : 20031023	\$0.00	\$35.74	\$0.00	\$0.00
20031031 10:37	CN - Canteen	1893477		MTC	~Canteen Date : 20031030	\$0.00	\$35.35	\$0.00	\$0.00
20031106 22:31	CN - Canteen	1921893		MTC	~Canteen Date : 20031106	\$0.00	\$14.75	\$0.00	\$0.00
20031107 16:28	IS - Interest	1932401		MTC		\$4.19	\$0.00	\$0.00	\$0.00
20031107 16:28	IS - Interest	1932402		MTC		\$0.00	\$0.00	\$0.72	\$0.00
20031112 14:37	IC - Transfer from Inmate to Club A/c	1950230		MTC	~APPLIANCE ORDER~CANTEEN CORP. WASH ACCOUNT - Z6~CANTEEN CORP. WASH ACCOUNT - Z6	\$0.00	\$27.77	\$0.00	\$0.00
20031112 15:22	IC - Transfer from Inmate to Club A/c	1950417		MTC	~CLOTHING ORDER~KCN WASH ACCOUNT - Z5~KCN WASH ACCOUNT - Z5	\$0.00	\$97.89	\$0.00	\$0.00
20031113 14:08	ST - Superintendent Act Transfer	1962616		MTC	~M15930 BATTISTA,SANDY J PERSONAL	\$550.81	\$0.00	\$0.00	\$550.81
20031113 22:30	CN - Canteen	1965630		MTC	~Canteen Date : 20031113	\$0.00	\$15.11	\$0.00	\$0.00
20031120 22:31	CN - Canteen	1994877		MTC	~Canteen Date : 20031120	\$0.00	\$14.61	\$0.00	\$0.00
20031124 15:17	EX - External Disbursement	2000881	87480	MTC	~SUFFOLK SUPERIOR COURT	\$0.00	\$275.00	\$0.00	\$0.00
20031125 22:30	CN - Canteen	2006562		MTC	~Canteen Date : 20031125	\$0.00	\$33.88	\$0.00	\$0.00
20031128 10:34	IC - Transfer from Inmate to Club A/c	2024312		MTC	~PRIORITY MAIL~POSTAGE - Z11~POSTAGE - Z11	\$0.00	\$3.85	\$0.00	\$0.00
20031204 11:31	IC - Transfer from Inmate to Club A/c	2047052		MTC	~PRJORTY ML/LEGAL MAIL DEBORAH BEARD BADER, ESQ 101 TREMONT ST. STE#814 BOSTON	\$0.00	\$3.85	\$0.00	\$0.00
20031204 22:31	CN - Canteen	2050689		MTC	~POSTAGE - Z11~POSTAGE - Z11	\$0.00	\$34.27	\$0.00	\$0.00
20031209 13:42	IS - Interest	2068484		MTC	~Canteen Date : 20031204	\$2.62	\$0.00	\$0.00	\$0.00

## COMMONWEALTH OF MASSACHUSETTS

## DEPARTMENT OF CORRECTION

## Inmate Transaction Report

Date : 20040309 13:22

Commit# : M15930

MASS. TREATMENT CENTER

Page : 2

Name : BATTISTA, SANDY, J.

Statement From 20031001

Inst : MASS. TREATMENT CENTER

To 20040309

Block : B1

Cell/Bed : 013 /B

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
20031209 13:42	IS - Interest	2068485		MTC		\$0.28	\$0.00	\$0.00	\$0.00
20031211 22:31	CN - Canteen	2095727		MTC	~Canteen Date : 20031211	\$0.00	\$32.25	\$0.00	\$0.00
20031217 15:16	CI - Transfer from Club to Inmate A/c	2112269		MTC	~12/11/03 CANT REFUND~M15930 BATTISTA,SANDY J PERSONAL~KCN WASH ACCOUNT - Z5	\$4.80	\$0.00	\$0.00	\$0.00
20031218 22:31	CN - Canteen	2126998		MTC	~Canteen Date : 20031218	\$0.00	\$13.62	\$0.00	\$0.00
20031219 13:17	IC - Transfer from Inmate to Club A/c	2129691		MTC	~POSTAGE - Z11~POSTAGE - Z11	\$0.00	\$2.44	\$0.00	\$0.00
20031219 13:19	IC - Transfer from Inmate to Club A/c	2129706		MTC	~CT/RR WORCESTER TELEGRAM * & GAZETTE 20 FRANKLIN ST WORCESTER MA 01615~POSTAGE - Z11~POSTAGE - Z11	\$0.00	\$5.34	\$0.00	\$0.00
20031219 13:20	IC - Transfer from Inmate to Club A/c	2129712		MTC	~CT/RR DIANNE WILLIAMSON COLUMNIST WORCESTER TELEGRAM & GAZETTE 20 FRANKLIN ST WORCESTER MA 01615~POSTAGE - Z11~POSTAGE - Z11	\$0.00	\$5.34	\$0.00	\$0.00
20031223 15:51	EX - External Disbursement	2142886	88123	MTC	~JARNDYCE & JARNDYCE PRESS	\$0.00	\$26.95	\$0.00	\$0.00
20031224 22:30	CN - Canteen	2151102		MTC	~Canteen Date : 20031224	\$0.00	\$61.01	\$0.00	\$0.00
20031229 15:21	EX - External Disbursement	2166009	88223	MTC	~FHS/BLUEDOT	\$0.00	\$1.75	\$0.00	\$0.00
20040102 22:30	CN - Canteen	2189783		MTC	~Canteen Date : 20040102	\$0.00	\$24.31	\$0.00	\$0.00
20040107 14:57	EX - External Disbursement	2203002	88393	MTC	~FHS/BLUEDOT	\$0.00	\$6.00	\$0.00	\$0.00
20040108 22:31	CN - Canteen	2218308		MTC	~Canteen Date : 20040108	\$0.00	\$15.73	\$0.00	\$0.00
20040109 09:43	ML - Mail	2219003		STH	~ROBERTA SYLVESTER	\$75.00	\$0.00	\$0.00	\$0.00
20040109 09:43	TI - Transfer from Institution	2219004		STH	~Associate Receipt Number is 2219003	\$0.00	\$75.00	\$0.00	\$0.00
20040109 09:43	TI - Transfer from Institution	2219005		MTC	~Associate Receipt Number is 2219003	\$75.00	\$0.00	\$0.00	\$0.00
20040113 12:07	IS - Interest	2235833		MTC		\$2.49	\$0.00	\$0.00	\$0.00
20040115 22:30	CN - Canteen	2260417		MTC	~Canteen Date : 20040115	\$0.00	\$37.88	\$0.00	\$0.00
20040120 09:14	CI - Transfer from Club to Inmate A/c	2269952		MTC	~CLOTHING CREDIT~M15930 BATTISTA,SANDY J PERSONAL~KCN WASH ACCOUNT - Z5	\$19.63	\$0.00	\$0.00	\$0.00
20040120 15:18	EX - External Disbursement	2271391	88680	MTC	~EDWARD HAMILTON BOOKS	\$0.00	\$15.35	\$0.00	\$0.00
20040120 15:20	EX - External Disbursement	2271393	88681	MTC	~PRISON LEGAL NEWS	\$0.00	\$36.00	\$0.00	\$0.00
20040120 15:26	EX - External Disbursement	2271415	88685	MTC	~LIFERS UNION ADVOCACY GROUP	\$0.00	\$175.00	\$0.00	\$0.00
20040121 15:26	EX - External Disbursement	2276520	88718	MTC	~F H S	\$0.00	\$8.50	\$0.00	\$0.00
20040122 22:31	CN - Canteen	2290011		MTC	~Canteen Date : 20040122	\$0.00	\$16.78	\$0.00	\$0.00
20040129 22:31	CN - Canteen	2318277		MTC	~Canteen Date : 20040129	\$0.00	\$18.77	\$0.00	\$0.00

## COMMONWEALTH OF MASSACHUSETTS

## DEPARTMENT OF CORRECTION

## Inmate Transaction Report

Date : 20040309 13:22

Page : 3

Commit# : M15930

MASS. TREATMENT CENTER

Name : BATTISTA, SANDY, J.

Statement From 20031001

Inst : MASS. TREATMENT CENTER

To 20040309

Block : B1

Cell/Bed : 013 /B

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
20040202 15:35	EX - External Disbursement	2323855	89056	MTC	~BRISTOL LAW LIBRARY FOUNDATION	\$0.00	\$0.60	\$0.00	\$0.00
20040203 11:16	ML - Mail	2326948		STH	~EDWARD HAMILTON REFUND CHECK	\$3.95	\$0.00	\$0.00	\$0.00
20040203 11:16	TI - Transfer from Institution	2326949		STH	~Associate Receipt Number is 2326948	\$0.00	\$3.95	\$0.00	\$0.00
20040203 11:16	TI - Transfer from Institution	2326950		MTC	~Associate Receipt Number is 2326948	\$3.95	\$0.00	\$0.00	\$0.00
20040206 08:53	CN - Canteen	2345606		MTC	~Canteen Date : 20040205	\$0.00	\$45.66	\$0.00	\$0.00
20040209 15:34	EX - External Disbursement	2352486	89247	MTC	~BRISTOL LAW LIBRARY FOUNDATION	\$0.00	\$11.00	\$0.00	\$0.00
20040210 11:41	IS - Interest	2365312		MTC		\$2.18	\$0.00	\$0.00	\$0.00
20040210 14:10	EX - External Disbursement	2373046	89259	MTC	~F H S	\$0.00	\$2.75	\$0.00	\$0.00
20040210 15:45	IC - Transfer from Inmate to Club A/c	2373459		MTC	~CLOTHING~KCN WASH ACCOUNT - Z5~KCN WASH ACCOUNT - Z5	\$0.00	\$37.93	\$0.00	\$0.00
20040212 22:30	CN - Canteen	2390028		MTC	~Canteen Date : 20040212	\$0.00	\$10.92	\$0.00	\$0.00
20040218 15:52	EX - External Disbursement	2406401	89411	MTC	~THE COMMONWEALTH OF MASS	\$0.00	\$20.40	\$0.00	\$0.00
20040219 09:17	ML - Mail	2415471	1047	STH	~LIFERS UNION ADVOCACY GROUP	\$70.00	\$0.00	\$0.00	\$0.00
20040219 09:17	TI - Transfer from Institution	2415473		STH	~Associate Receipt Number is 2415471	\$0.00	\$70.00	\$0.00	\$0.00
20040219 09:17	TI - Transfer from Institution	2415474		MTC	~Associate Receipt Number is 2415471	\$70.00	\$0.00	\$0.00	\$0.00
20040219 22:30	CN - Canteen	2418019		MTC	~Canteen Date : 20040219	\$0.00	\$23.48	\$0.00	\$0.00
20040225 15:04	EX - External Disbursement	2434052	89546	MTC	~F H S	\$0.00	\$5.00	\$0.00	\$0.00
20040226 22:30	CN - Canteen	2446739		MTC	~Canteen Date : 20040226	\$0.00	\$27.25	\$0.00	\$0.00
20040301 13:48	EX - External Disbursement	2453893	89664	MTC	~EGAN'S RELIGIOUS GOODS	\$0.00	\$52.00	\$0.00	\$0.00
20040301 13:54	EX - External Disbursement	2453973	89678	MTC	~BRISTOL LAW LIBRARY FOUNDATION	\$0.00	\$6.40	\$0.00	\$0.00
20040304 22:30	CN - Canteen	2478503		MTC	~Canteen Date : 20040304	\$0.00	\$28.92	\$0.00	\$0.00
20040308 15:38	EX - External Disbursement	2484125	89833	MTC	~LIFERS UNION ADVOCACY GROUP	\$0.00	\$16.95	\$0.00	\$0.00
						\$890.03	\$3,682.27	\$1.39	\$550.81

Balance as of ending date : **Personal** \$1,290.69 **Savings** \$0.00

## Current Balances :

Personal	Savings	Freeze	Loan	Restitution	Sentence
\$1,290.69	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

SANDY J. BATTISTA,	)	
Plaintiff,	)	
vs.	)	CIVIL ACTION
	)	NO.04-10226-MEL.
ROBERT MURPHY, et al.,	)	
Defendant's.	)	

AFFIDAVIT OF SANDY J. BATTISTA, #M-15930

I, Sandy J. Battista, on oath, deposes and says as follows:

1) That I am the plaintiff in the above-entitled action, having personal knowledge of all facts and circumstances in this action makes this affidavit as to my current personal and legal necessities, in support of my Application to Proceed Without Prepayment of Fees. (A Motion to Waive Filing Fees and to Proceed in Forma Pauperis is on file).

2) That I am currently civilly committed in the care and custody of the Mass. Department of Correction. Committed to the Mass. Treatment Center.

3) That being in the care and custody of the Department of Correction, I must follow certain rules, regulations, policies, and procedures.

4) That the DOC has a "system-wide" policy defining inmate/resident indigency, if at the time of request the inmate/resident does not have more than \$10.00 in his/her account for the past sixty days.

5) As I currently have more than \$10.00 in my account, I

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am deemed not indigent under current DOC policy, and must provide for all my own personal and legal necessities (i.e.), any and all weekly hygiene supply's: soap, toothbrush/toothpaste, shampoo, cream rinse, hair gel, lotion, baby powder, razors, shaving cream, after shave lotion, combs, dental floss, deodorant, etc.; any and all personal/legal supply's: paper, pens, pencils, envelopes, stamps, manilla envelopes, priority mail envelopes/stamps, typewriter paper, typewriter ribbons/-corrective ribbons, laundry detergent, medical co-payments of \$3.00 each consultation(per policy), hair cuts at \$1.50 each hair cut(per policy), etc.; and any and all personal clothing: jeans, dress pants, dress shirts, t-shirts, underwear, socks, shoes, sneakers, shower shoes, slippers, pajama's, bathrobe, shorts, sweat pants, sweat shirts, etc..

5) From the above listed necessities, my weekly and monthly expenses are approximately: \$10.00 to \$15.00 weekly in both personal supply's and hygiene supply's; approximately \$5.00 to \$8.00 weekly in personal and legal postage; and approximately \$25.00 to \$50.00 every 90 days in necessary clothing purchases.


6) That I am unable to financially afford the cost of the filing fees in this action without depriving myself of the above listed necessities, and interfering with other on-going civil actions. See also Sandy J. Battista vs. Robert Murphy, et al., U.S.Dist.Ct.C.A.No.03-12643-MEL(requiring similar filing fees).

7) That without this court's waiver of fees, I will be left with the choice of paying the filing fees and being able to purchase the above listed necessities.

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8) The attached print-out reflects the enclosed statements as to the above listed necessities.

Signed under the pains and penalties of perjury this  
2nd day of March, 2004.



Sandy J. Battista, #M-15930  
Plaintiff/Pro-se  
Mass. Treatment Center  
30 Administration Rd.  
Bridgewater, Mass. 02324